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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,273	08/16/2005	Robertus Cornelis Maria Van Rijn	0470-048023	8908
28389 7590 09/03/2008 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER WALTERS, RYAN J				
ART UNIT 3726		PAPER NUMBER		
MAIL DATE 09/03/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/519,273

**Applicant(s)**

VAN RIJN, ROBERTUS CORNELIS MARIA

**Examiner**

RYAN J. WALTERS

**Art Unit**

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-50 is/are pending in the application.
- 4a) Of the above claim(s) 44-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-43 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/31/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to the preliminary amendment filed on 12/27/2004. As directed by the amendment: claims 1-22 have been cancelled, and new claims 23-50 have been added. Thus, claims 23-50 are presently pending in this application.

#### ***Election/Restrictions***

1. Claims 44-49 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/11/2008.

#### ***Claim Objections***

2. Claim 36 is objected to because of the following informalities:  
- Improper dependencies as follows: Claim 36 recites "said series of bodies" which lacks antecedent basis and should therefore depend on claim 35 to avoid lack of antecedent basis. The examiner's rejections have been written assuming the above revised dependency. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 50 is rejected under 35 U.S.C. 102(b) as being anticipated by Krauss (DE4324522).

5. In regards to Claim 50, Krauss discloses an assembly comprising two concrete parts secured to one another (Page 3 of Krauss translation, 2<sup>nd</sup> paragraph; Figs. 2 and 5), comprising a concrete part and a further concrete part (Page 5 of Krauss translation, last paragraph; fire-place stones 1 are made of concrete), said concrete part comprising, at the boundary surface with said further concrete part a series of cavities 4 which extend substantially perpendicular to said boundary surface (Fig. 2), the boundary wall of said cavities comprises concrete, said further concrete part being provided, at the boundary surface with the concrete part, with a series of projecting reinforcing bars 5 which, in the coupled state to said concrete part, extend into the cavities in said concrete part (Fig. 2), the space between said cavity and said reinforcing bars being filled with a material 6 which bonds said reinforcing bars to said concrete body (Page 3 of Krauss translation, 2<sup>nd</sup> paragraph; Fig. 3).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23-24, 27-29, 32-38 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over STUP (BE 502,991) in view of Tanaka (US 4,003,545) and Krauss (DE4324522).

8. In regards to Claim 23, discloses a method for securing one or more metal parts in a concrete part, comprising the steps of: providing a concrete part having one or

more cavities which extends from an outer wall thereof (Fig. 13), of providing a formwork, of placing one or more bodies 1 into said formwork (Page 9 of translation, 3<sup>rd</sup> paragraph), the shape of which body at least partially corresponds to said cavity (page 8 of translation, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs; Page 2 of translation, 2<sup>nd</sup> paragraph) and that side of which body that adjoins the concrete material comprising an elastomer material (page 8 of translation, 1<sup>st</sup> sentence), the mechanical properties of said body being such that, when tensile force is applied to said body in the vicinity of said boundary surface, the diameter of said body is considerably reduced (Page 3 of translation, 1<sup>st</sup> paragraph), with the result that said body, after the concrete has been poured and at least partially set, can be removed from said shaped cavity (Page 3 of translation, 2<sup>nd</sup> paragraph), which diameter of said body can be elastically reduced (Page 3 of translation, 2<sup>nd</sup> paragraph), of pouring and at least partially setting the concrete, detaching said formwork (Page 9 of translation, 3<sup>rd</sup> paragraph) and said body (Page 8 of translation, 3<sup>rd</sup> paragraph).

STUP does not disclose the step of securing a metal part in said cavity by filling the space between the concrete part and said metal part with a material which bonds to said metal part and to said concrete part. However, Tanaka teaches the step of securing a metal part 10 in said cavity by filling the space between the concrete part and said metal part with a material 2 which bonds to said metal part and to said concrete part (Col. 2, lines 1-25). Krauss also teaches the step of securing a metal part in said cavity by filling the space between the concrete part and said metal part with a material which bonds to said metal part and to said concrete part (Page 3 of Krauss

translation, 2<sup>nd</sup> paragraph; Fig. 3). Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to modify STUP's method to include the step of securing a metal part as discussed above, as taught by Tanaka and Krauss, for the purpose of separating the metal part from the concrete so that the cores can be easily removed.

9. In regards to Claim 24, STUP discloses that the body 1 is externally provided with a profiling (Figs. 3, 8, 9, 16).

10. In regards to Claim 27 and 37, STUP discloses that the body is secured to the inner side of the formwork adjoining the latter, and after said formwork has been removed said body is also taken away (Page 9 of translation, 3<sup>rd</sup> paragraph).

11. In regards to Claims 28 and 38, STUP does not explicitly disclose that the concrete part is poured in a factory remote from its final destination. However, it is well known in the art to create concrete parts in a factory. It would be obvious to one skilled in the art to have the concrete part poured in a factory remote from its final destination for the purpose of creating multiple parts in a short time thereby saving time and money.

12. In regards to Claims 29 and 43, STUP discloses a body with a rubber core but does not disclose having a core with an elastomer coating arranged around it, and in which the removal of said body from said concrete comprises firstly the removal of the core, followed by the elastomer material. However, Krauss teaches having a core with an flowable and curable coating arranged around it (Page 3 of Krauss translation, 2<sup>nd</sup> paragraph; Fig. 3). Tanaka teaches having a core with an elastomer coating arranged around it (Col. 2, lines 1-6), and in which the removal of said body from said concrete

comprises firstly the removal of the core, followed by the elastomer material (Col. 2, lines 15-30). Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to modify STUP's method to include the step of having a core with an elastomer coating arranged around it, and in which the removal of said body from said concrete comprises firstly the removal of the core, followed by the elastomer material, as taught by Krauss and Tanaka, for the purpose of allowing the core to be removed easily and keeping the concrete in the desired configuration.

13. In regards to Claims 32 and 40, STUP does not explicitly disclose that the elastomer body comprises a polysiloxane material. However, STUP discloses that the body is made of an elastic material (page 12 of STUP translation, 1<sup>st</sup> sentence) or substitute materials that have the desired properties (Page 4 of STUP translation, 2<sup>nd</sup> paragraph). Further, polysiloxane materials are known in the art and are elastic. Therefore, it would be obvious to one skilled in the art to have the elastomer body comprise a polysiloxane material.

14. In regards to Claims 33 and 41, STUP discloses that the body comprises a core made from a material with a higher tensile strength than its wall (Page 2 of STUP translation, 2<sup>nd</sup> paragraph), is provided with a supporting surface and is self-supporting (Page 10 of STUP translation, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs).

15. In regards to Claims 34 and 42, STUP discloses that the body is provided, in the vicinity of the formwork end, with securing means for securing it to said formwork (page 9 of STUP translation, paragraph 2; Fig. 13).

16. In regards to Claim 36, STUP discloses that the series of bodies are connected by a common carrier (Page 8 of STUP translation, last paragraph).

17. Claims 25-26, 30-31 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over STUP/Tanaka/Krauss in view of Evers (US 6,688,071).

18. In regards to Claim 25 and 26, STUP does not disclose the step of screwing said metal part into a screw thread arranged in said cavity where the screw thread comprises an encased threaded part. However, Krauss teaches the step of screwing said metal part into a screw thread arranged in said cavity where the screw thread comprises an encased threaded part (Fig. 5). Evers also teaches the step of screwing said metal part into a screw thread arranged in said cavity where the screw thread comprises an encased threaded part (paragraph connecting Cols. 4 and 5; Fig. 3). Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to modify STUP's method to include the step of screwing said metal part into a screw thread arranged in said cavity where the screw thread comprises an encased threaded part, as taught by Krauss and Evers, for the purpose of maintaining the metal part in the desired orientation.

19. In regards to Claims 30 and 39, STUP does not disclose that the metal part comprises reinforcing steel. However, Evers teaches that the metal part comprises reinforcing steel (Col. 1, lines 23-25; Col. 2, lines 12-18). Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to modify STUP's method to include the metal part comprising reinforcing steel, as taught by Evers, for the purpose of strengthening the component.



20. In regards to Claim 31, STUP does not disclose that the metal part is arranged in a further concrete part. However, Krauss teaches that the metal part is arranged in a further concrete part (Fig. 5). Evers also teaches that the metal part is arranged in a further concrete part (Fig. 3). Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to modify STUP's method to include the metal part being arranged in a further concrete part, as taught by Krauss and Evers, for the purpose of connecting multiple pieces of concrete together.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. WALTERS whose telephone number is (571)270-5429. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. W./  
Examiner, Art Unit 3726

/DAVID P. BRYANT/  
Supervisory Patent Examiner, Art Unit 3726